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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 NATURAL RESOURCES DEFENSE  
14 COUNCIL, INC., et al.

15 Plaintiffs,

16 v.

17 DEPARTMENT OF ENERGY; et al.,  
18 Administration, Oakland Operations  
Office,

19 Defendants.

CASE NO.: 04-CV-04448 SC (BZ)

~~PROPOSED~~ ORDER  
GRANTING THE MOTION OF  
THE PEOPLE OF THE STATE OF  
CALIFORNIA, EX REL. BILL  
LOCKYER, TO FILE AMICUS  
CURIAE BRIEF IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT

20 DATE: June 23, 2006  
21 TIME: 10:00 a.m.  
22 PLACE: Courtroom 1

23 The Honorable Samuel Conti  
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On March 10, 2006, the motion of the People of the State of California, ex rel. Attorney General Bill Lockyer ("Attorney General"), to file an Amicus Curiae Brief in Support of Plaintiffs' Motion for Summary Judgment as to the First Claim for Relief under the National Environmental Policy Act ("NEPA"), 42 U.S.C. ¶ 4321 *et. seq.*, came on regularly for hearing in this Court. The Attorney General's motion was supported by a Noticed Motion and Memorandum of Points and Authorities.

After considering the Attorney General's motion and accompanying submissions, and having heard the arguments of counsel, the Court grants the Attorney General's Motion to File an Amicus Curiae Brief in this matter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. The Attorney General's motion to file an Amicus Curiae Brief in support of Plaintiffs' Motion for Summary Judgment, as to the First Claim for Relief under the National Environmental Policy Act (NEPA"), 42 U.S. C. § 4321 *et seq.*, is GRANTED.

2. The Attorney General's brief lodged with this Court on March 10, 2006 is hereby filed.

3. The Attorney General's arguments in its Amicus Curiae Brief shall be heard on June 23, 2006, concurrently with Plaintiffs' and Defendants' pending cross-motions for summary judgment in this matter.

Dated: June 14, 2006

PROPOSED BY:

/s/ Brian Hembacher  
BRIAN HEMBACHER  
Deputy Attorney General

Attorneys for Amicus Curiae

